CRAIG AND MACAULEY
PROFESSIONAL CORPORATION
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210
Telephone: (617) 367-9500
Facsimile: (617) 742-1788

Christopher J. Panos, Esq. (CP 4959) Joseph J. Koltun, Esq. (JK 3309) Kathleen A. Rahbany, Esq. (KR 0520)

Attorneys for Vitex Extrusion, LLC

# UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:

LEXINGTON PRECISION CORP., et al.,

Debtors.

Chapter 11 Case No. 08-11153 (MG) Jointly Administered

#### MOTION FOR ALLOWANCE OF ADMINISTRATIVE CLAIM

Pursuant to sections 503(a) and 503(b)(9) of Title 11 of the United States Code, 11

U.S.C. §§ 101 et seq. (the "Bankruptcy Code"), this Court's order of July 21, 2010 [Docket

No. 975] (the "Confirmation Order") confirming the above-captioned debtors' Fourth

Amended Joint Plan of Reorganization under Chapter 11 of the Bankruptcy Code, as Modified

[Exhibit A. to Docket No. 975] (the "Confirmed Plan"), Vitex Extrusion, LLC (the "Seller")

hereby moves this Court for an order allowing the Seller an administrative claim in the amount

of \$62,699.15 (the "Administrative Claim") and directing payment of the Administrative

Claim in accordance with the Confirmed Plan. In support hereof and in compliance with

Section IV(d) of the Confirmation Order and Section 2.1(a) of the Confirmed Plan, the Seller

states as follows:

- 1. On April 1, 2008 (the "Petition Date"), the above-captioned debtors commenced these bankruptcy cases by filing voluntary petitions for relief under Chapter 11 of the Bankruptcy Code.
- 2. The Seller shipped goods to Lexington Precision Corp. ("LPC"), one of the above-captioned debtors, which LPC received within twenty (20) days of the Petition Date (the "Goods"). Copies of the invoices reflecting the Goods are attached hereto as Exhibit A. The value of the Goods is \$62,699.15.
- 3. The Seller asserts the Administrative Claim on account of LPC's receipt of the Goods.
  - 4. LPC has made no payment to the Seller on account of the Goods.
- 5. Accordingly, the Seller asserts that LPC and/or Reorganized LPC (as that term is defined in the Confirmed Plan) is liable for the Administrative Claim.

WHEREFORE, the Seller respectfully requests that this Court enter an order:

- A. Allowing the Seller's Administrative Claim pursuant to section 503(b)(9) of the Bankruptcy Code in the amount of \$62,699.15;
- B. Ordering and directing the Reorganized Debtors (as that term is defined in the Confirmed Plan ) to pay the Seller's Administrative Claim in accordance with the Confirmed Plan; and

C. Granting such other relief as is just and proper.

Respectfully Submitted,

July 26, 2010

VITEX EXTRUSION, LLC

By one of its attorneys

/s/ Joseph J. Koltun

Christopher J. Panos Joseph J. Koltun Kathleen A. Rahbany

Craig and Macauley Professional Corporation

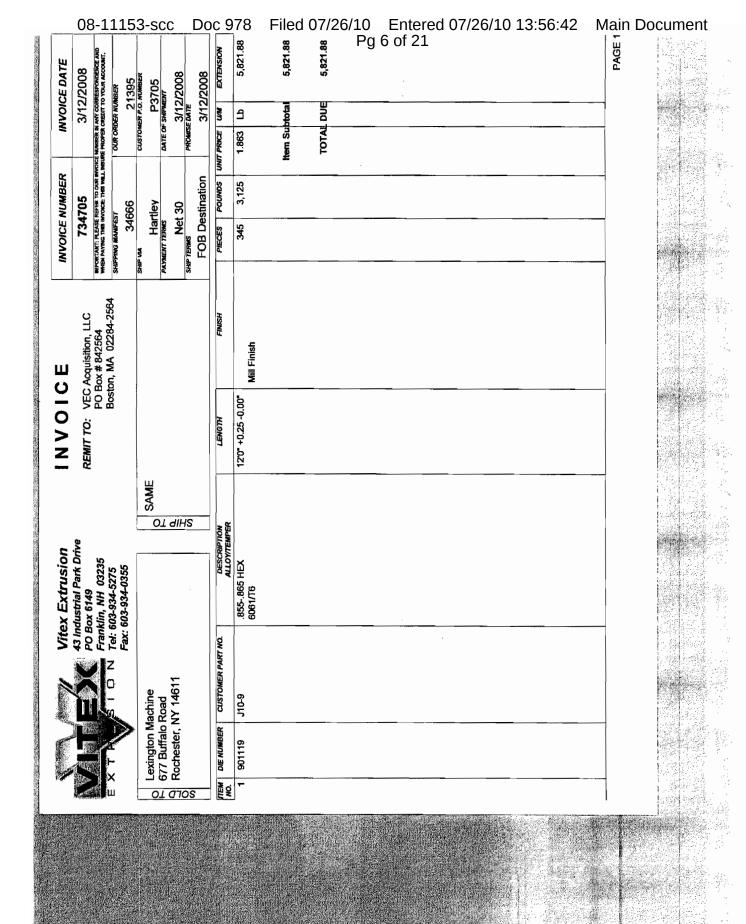
Federal Reserve Plaza 600 Atlantic Avenue

Boston, Massachusetts 02210

## **EXHIBIT A**

## **Summary of Invoices**

Shipment	Invoice	
Date	Number	Total Due
3/12/2008	734705	\$5,821.88
3/12/2008	734706	\$10,537.70
3/12/2008	734707	\$4,106.05
3/12/2008	734708	\$8,066.79
3/27/2008	734886	\$19,563.36
3/27/2008	734887	\$4,134.00
3/27/2008	734888	\$10,469.37
TOTAL		\$62,699.15



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Manifest 34666

Date 3/12/2008

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VITEX EXTRUSION, 43 Industrial Park Dr., Franklin, NH 03235

Lexington Machine 677 Buffalo Road

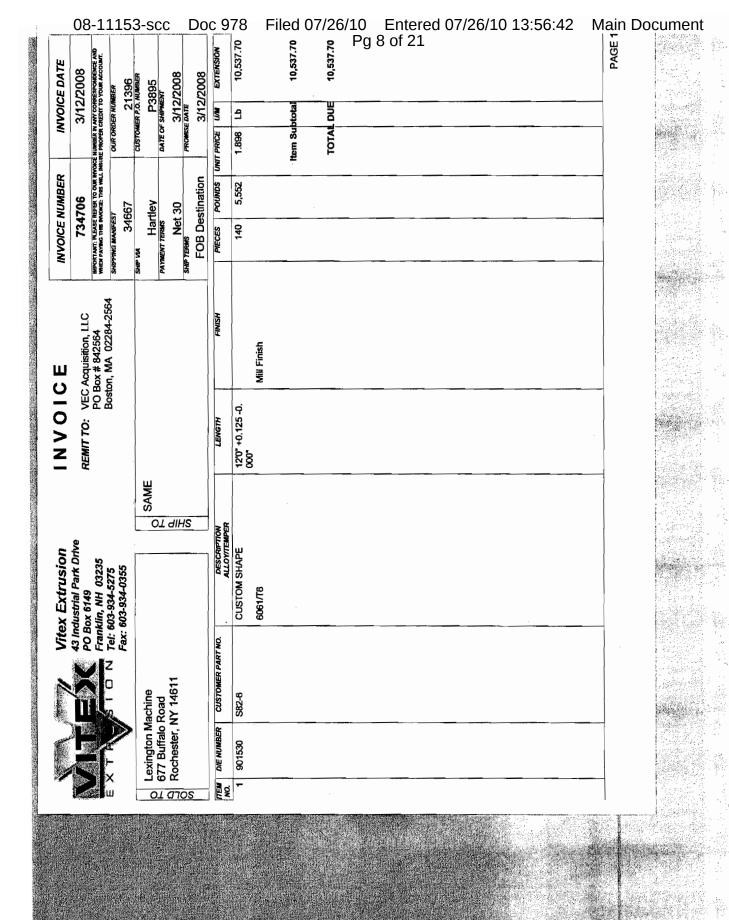
Ship To: Lexington Machine 677 Buffalo Road

Rochester, NY 14611

Rochester, NY 14611

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ECP 603-524-8799



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Manifest 34667

Date 3/12/2008

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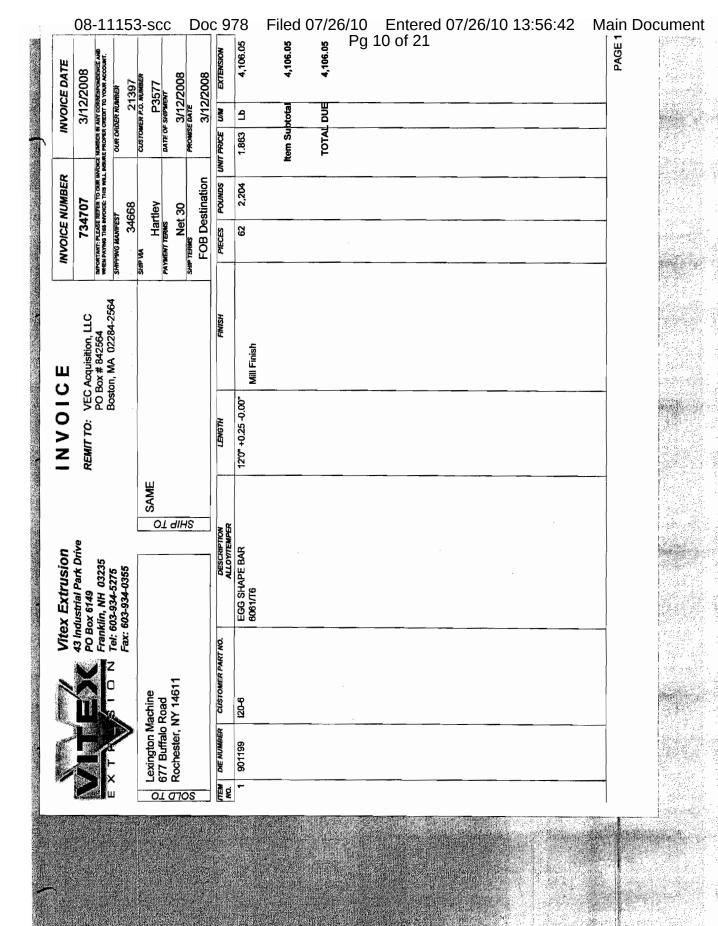
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VITEX EXTRUSION, 43 Industrial Park Dr., Franklin, NH 03235

Lexington Machine 677 Buffalo Road

Ship To: Lexington Machine 677 Buffalo Road

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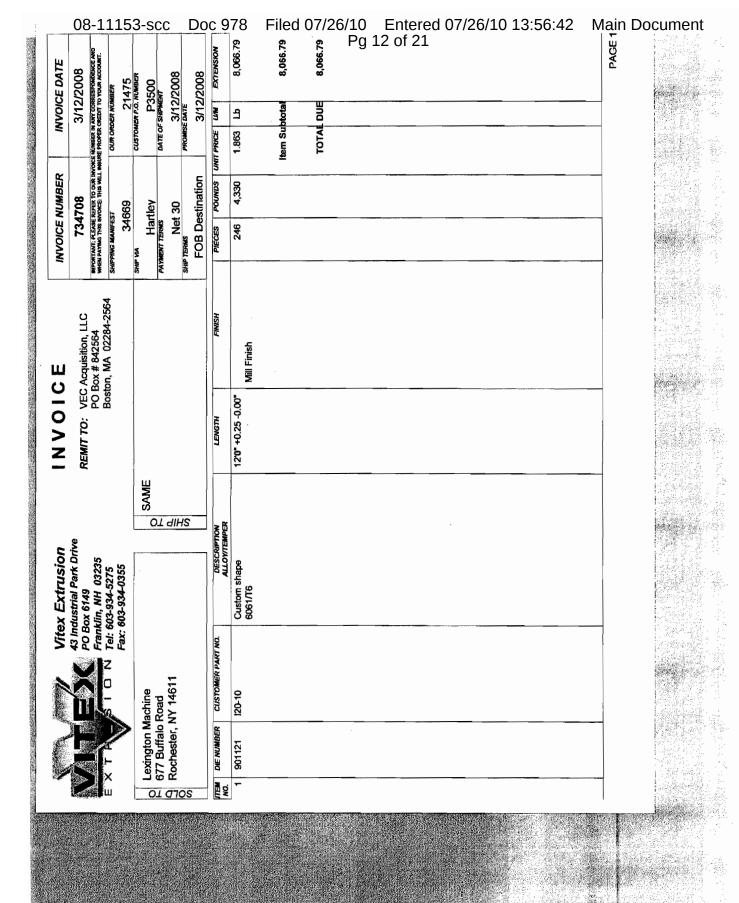
The property described below. In apparent good order, except as noted (contents and condition of contents of peckage winknown), marked, consigned, and destined as indicated below, which said carrier (the word certifier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) egrees to carry to its usual place of delivery at each destination, and as to each party at any time interested in all or any post and destination. It is insulately appreciate as to each carrier of all or party post and grouper your relationship to the destination, and as to each party at any time interested in all or any portion of self taxte to destination, and as to each party at any time interested in all or any of said property over all or any post of the Uniform Domestic Birdgin Bill of 1) to Official Southern. Western and illinois Freight Classification in affect on the date hereof, if this is a riol or rail-water shipment: or (2) in the applicable motor carrier classification of said fixed in the interest of the date has a familiar with all the terms and conditions of the said bill of lading, including those on the back thareof, sat forth in the classification or tariff which governs the transporation of this shipment, and the said tarme and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

<u>VITEX EXTRUSION, 43 Industrial Park Dr., Franklin, NH 03235</u>

Lexington Machine 677 Buffalo Road

Ship To: Lexington Machine 677 Buffalo Road

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Date 3/12/2008

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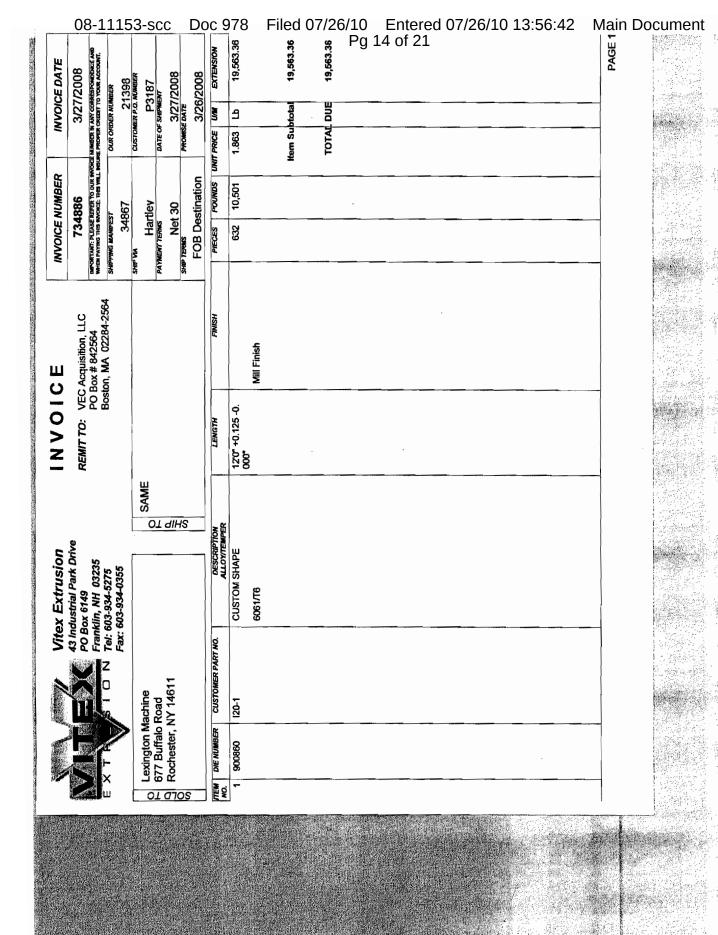
VITEX EXTRUSION, 43 Industrial Park Dr., Franklin, NH 03235

Lexington Machina 877 Buffalo Road

Ship To: Lexington Machine 677 Buffalo Road

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ECP 603-524-8799



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Manifest 34867

Date 3/27/2008

The property described below, in apparent good order, except as noted (contents and condition of contents of package withnown), marked consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the content) agrees to carry to its usual place of delivery at said destination, it is in a mutually agreed to a large any person or corporation in possession of the property under the contents carrier and it is mutually agreed to a lor early of said property over all or any portion of said fruite to destination, and as to sach party at any time intensited in all or any of said property, their every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Domestic Straigh Bill of Lading sact forth [1] in Official Southern, Western and Billinois Freight Classifications in effect on the date hereof, if this is a molor carrier shipment or (2) in the applicable motor carrier classification of tariff this is a molor carrier shipment. Shipper hereby certifies that he is familiar with eith items and conditions of the said bill of lading, including those on the beek thereof, and forth in the classification or triff which governs the transportation of this shipment, and the self-terms and conditions are hereby agreed to by the shipper and eccepted for himself and his assigns. 

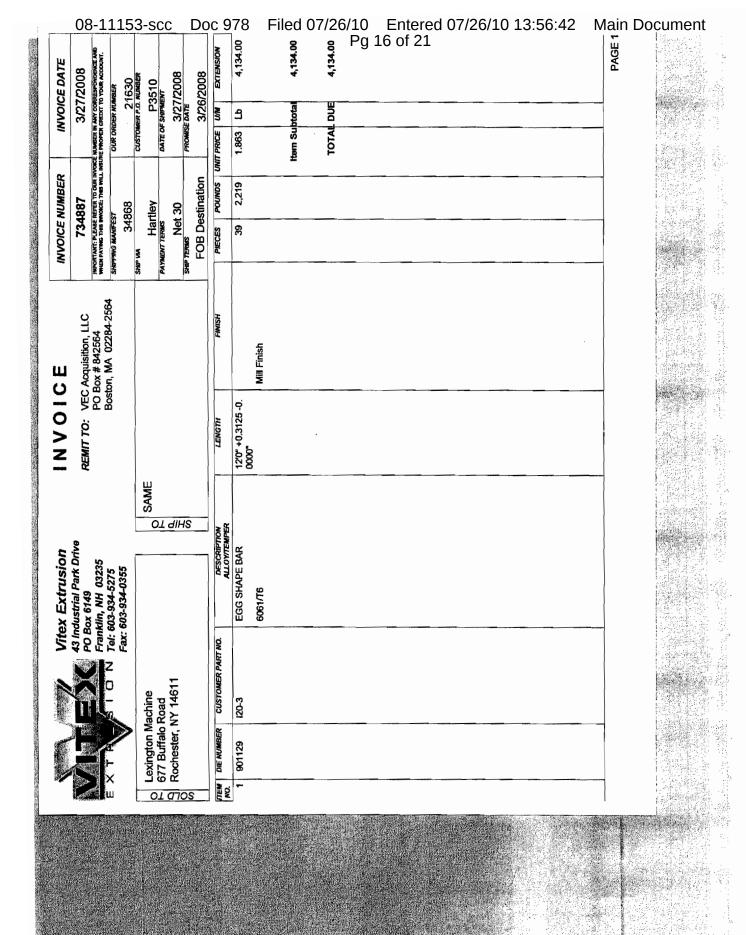
VITEX EXTRUSION, 43 Industrial Park Dr., Franklin, NH 03235

Lexington Machine 627 Buffalo Road

Ship To: Lexington Machine 677 Euffalo Road

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ECP 603-524-8799



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RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading.

Manifest 34860

Date 3/27/2008

ECP 603-524-8799

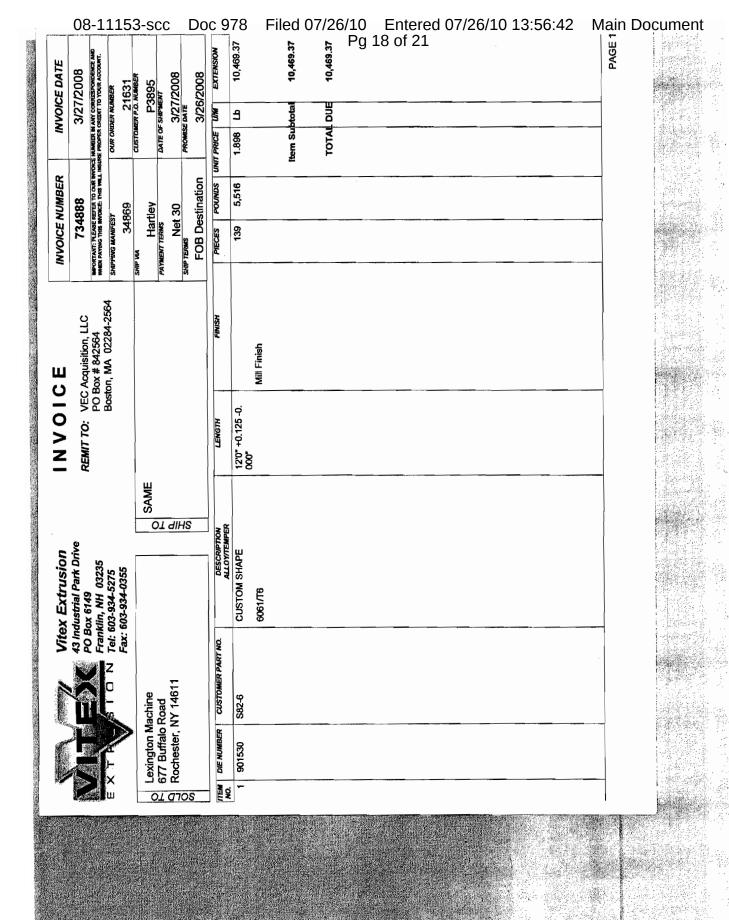
The property described below. In apparent good order, except as noted (contents and condition of contents of packages unknown), market, consigned, and destined as inclinated below, which hald content of packages unknown) market, consigned, and destined as inclinated below, which hald content (the word carrier being undested being which hald content to the content of the content

VITEX EXTRUSION, 43 Industrial Park Dr., Franklin, NH 03235

Lexington Machine 677 Buffalo Road

Ship To: Lexington Machine 677 Buffalo Road

		Rochester, NY 14611		ester, NY 14611
	NO. PACKAGES	KIND OF PACKAGE, DESCRIPTION OF ARTICLES, SPECIAL MARKS, AND EXCEPTIONS	*WEIGHT (SUB. TO COR.)	Subject to Section 7 of Conditions of applicable bill of lading, if this
		NOTE: RATING/CLASS (Unless noted otherwise)		shipment is to be delivered to the consignee without recourse on the
	}	Aluminum Extrusions 20#/Cu. Ft.		consignor, the consignor shall sign
				the following statement:  The carrier shall not make delivery
		ng. pre44		of this shipment without payment of freight and other lawful charges.
AFTE:		PO: P3510 Sales Order: 21/30		
	Length 1210"	Desc: EGG SHAPE BAR - Item: 1		VITEX EXTRUSION
		Desc: EBB SHAPE BAR Ttem: 1 Section: 901129 Part I20-3 Alloy/Temp:6061	186	
	Ticket	Pieces Net Pounds Gross	/ to	
1	03035	21 1195 1219		(Signature of Consignor)
	83036	18 1024 1048		Freight is PREPAID unless otherwise checked:
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<b>(</b> )		PAM-NOON) OR DON COOK AT EXT 104. CALL AT LEA		,
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RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading.

Manifest 34869

Date 3/27/2008

ECP 603-524-8799

The property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, it is mutually agreed as to each carrier of all or any potated property over all or any time interested in all or any of said property, that every service to be performed hereunder shell be subject to all the terms and conditions of the Uniform Domestic Straigh Bild of Lading set forth (1) in Official Southern. Western and Illinois Freight Classification in effect on the date hereof, if this is a motor carrier shipment; or (2) in the applicable motor carrier classification of Latriff (this is a motor carrier shipment; or (2) in the applicable motor carrier classification of the latrice that is a familiar with all the Lemms and conditions of the said bill of tading, including those on the back thereof, set forth in the classification or tariff which governs ha transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

VITEX EXTRUSION, 43 Industrial Park Dr., Franklin, NH 03235

Lexington Machine 377 Buffalo Read

Ship To: Lexington Machine 627 Buffalo Road

NO. PACKAGES	KIND O	F PACKAGE, DESCRIPTION OF ARTICLE PECIAL MARKS, AND EXCEPTIONS	:5, 	"WEIGHT (SUB. TO COR.)	Subject to Section 7 of Condition of applicable bill of lading, if i
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Item To	1	5516			Rec'd \$
				1	apply in prepayment of the charges
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1	ffing: Deliveries & Fradays. Call Jim #	CLOS AT 585-235-			
The		CLOS AT 585-235-	0880 EXT 145(BS	THEEN	NE Accepted Contribution
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Thu 9:0	rsdays. CALL JIM H OAM-NOON) OR DON CO	CLOS AT 585-235- DOM AT EXT 106. (	0880 EXT 145(BE CALL AT LEAST 4	THEEN 8 HOURS II	Agent of Cashler Per
Thu 9:0	rsdays. CALL JIM H OAM-NOON) OR DON CO	CLOS AT 585-235- DOM AT EXT 106. (	0880 EXT 145(BE CALL AT LEAST 4	THEEN 8 HOURS II	Agent of Cashler Per (The signature here acknowledges only the amount prepaid.)
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Permanent post-office address of shipper,

# UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:

LEXINGTON PRECISION CORP., et al.,

Debtors.

Chapter 11 Case No. 08-11153 (MG) Jointly Administered

#### ORDER ALLOWING AND DIRECTING PAYMENT OF ADMINISTRATIVE CLAIM

Upon the *Motion for Allowance of Administrative Claim* (the "Motion") filed by Vitex Extrusion, LLC (the "Seller"); notice having been sufficient, no objections having been filed, or any such objections having been overruled or withdrawn as appropriate,

#### IT IS ORDERED,

- 1. The Seller is hereby granted an allowed administrative claim in the amount of \$62,699.15 (the "Administrative Claim"); and
- 2. The Reorganized Debtors<sup>1</sup> are ordered to pay the Administrative Claim in accordance with the Confirmed Plan.

Dated:	
New York, New York	
	United States Bankruptcy Judge

<sup>&</sup>lt;sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

# UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:

LEXINGTON PRECISION CORP., et al.,

Debtors.

Chapter 11 Case No. 08-11153 (MG) Jointly Administered

#### **CERTIFICATE OF SERVICE**

I, Kathleen A. Rahbany, hereby certify that on July 26, 2010, I caused a true and accurate copy of the foregoing document to be served on the parties set forth below, which parties include the above-captioned debtors and the United States Trustee, at the addresses set forth below by first class mail, postage prepaid.

July 26, 2010

/s/ Kathleen A. Rahbany Kathleen A. Rahbany

Lexington Precision Corporation 800 Third Avenue, 15th Floor New York, NY 10022 Attn: Michael A. Lubin

Title: Chairman of the Board

Weil, Gotschal & Manges LLP 767 Fifth Avenue New York, NY 10153 Attn: Richard P. Krasnow, Esq.

Office of the United States Trustee for the Southern District of New York 33 Whitehall Street 21st Floor New York, NY 10004 Attn: Paul K. Schwartzberg